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10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

11 UNIVERSITY OF PITTSBURGH OF THE  
12 COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION d/b/a UNIVERSITY OF  
13 PITTSBURGH

14 Plaintiff,

15 v.

16 VARIAN MEDICAL SYSTEMS, INC.

17 Defendant.

18 Case No. CV 08-02973 MMC

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**SUPPLEMENTAL DECLARATION OF  
RITA E. TAUTKUS IN SUPPORT OF  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE CERTAIN  
DOCUMENTS UNDER SEAL TO  
UNIVERSITY OF PITTSBURGH'S  
OPPOSITION TO TRANSFER BY  
VARIAN MEDICAL SYSTEMS, INC.**

Date: August 29, 2008  
Time: 9:00 a.m.  
Courtroom 7, 19th Floor

1 I, Rita E. Tautkus, declare as follows:

2 1. I am Of Counsel with the law firm of Morgan, Lewis & Bockius LLP, attorneys of  
3 record for University of Pittsburgh. I am licensed to practice law before the Courts for the State of  
4 California. The matters referred to in my declaration are based on my personal knowledge and, if  
5 called as a witness, I could and would testify competently to those matters.

6 2. I make this declaration to supplement my declaration made on July 11, 2008 (Docket  
7 No. 36) in support of Plaintiff's Administrative Motion to File Certain Documents Under Seal to  
8 University of Pittsburgh's Opposition to Transfer by Varian Medical Systems, Inc. (Docket No. 35),  
9 filed the same day.

10 3. Exhibit 3 consists of excerpts from the deposition transcript of Sam David Castellino.  
11 This deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
12 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
13 Western District of Pennsylvania action, Case No. 07-0491.

14 4. Exhibit 4 consists of excerpts from the deposition transcript of Michael Sing Chen.  
15 This deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
16 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
17 Western District of Pennsylvania action, Case No. 07-0491.

18 5. Exhibit 5 consists of excerpts from the deposition transcript of Martin J. Kandes.  
19 This deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
20 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
21 Western District of Pennsylvania action, Case No. 07-0491.

22 6. Exhibit 6 consists of excerpts from the deposition transcript of Stanley Mansfield.  
23 This deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
24 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
25 Western District of Pennsylvania action, Case No. 07-0491.

26 7. Exhibit 7 consists of excerpts from the deposition transcript of Richard Morse. This  
27 deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
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1 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
2 Western District of Pennsylvania action, Case No. 07-0491.

3       8. Exhibit 8 consists of excerpts from the deposition transcript of Hassan Mostafavi.  
4 This deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
5 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
6 Western District of Pennsylvania action, Case No. 07-0491.

7       9. Exhibit 9 consists of excerpts from the deposition transcript of George Zdasiuk. This  
8 deposition was designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc.  
9 pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
10 Western District of Pennsylvania action, Case No. 07-0491.

11      10. Exhibit 10 consists of excerpts from the deposition transcript of non-party Majid  
12 Riaziat. This deposition was designated as Confidential Attorney Eyes Only by Matthew Poppe,  
13 counsel for Varian Medical Systems, Inc. and non-party Majid Riaziat, pursuant to the Protective  
14 Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania  
15 action, Case No. 07-0491.

16      11. Exhibit 20 is a document produced in the Western District of Pennsylvania action,  
17 Case No. 07-0491, by non-party Majid Riaziat with bates number MR00000073, marked as Exhibit  
18 12 at the deposition of Majid Riaziat on October 5, 2007. This document was designated as  
19 Confidential Attorney Eyes Only by counsel for Varian Medical Systems, Inc. and non-party Majid  
20 Riaziat pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the  
21 Western District of Pennsylvania action, Case No. 07-0491.

22      12. Exhibit 21 is a document produced in the Western District of Pennsylvania action,  
23 Case No. 07-0491, by Varian with bates numbers VAR00330305 to VAR00330313, marked as  
24 Exhibit 13 at the deposition of non-party Majid Riaziat on October 5, 2007. This document was  
25 designated as Confidential Attorney Eyes Only by Varian Medical Systems, Inc. pursuant to the  
26 Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of  
27 Pennsylvania, Case No. 07-0491.

13. Exhibit 23 consists of excerpts from the deposition transcript of Karun B. Shimoga. This deposition was designated as Confidential Attorney Eyes Only by counsel for University of Pittsburgh and non-party Karun B. Shimoga pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491. However, the designation of Confidential Attorney Eyes Only for the three pages included in Exhibit 23, namely pages 1, 2, and 7, is hereby withdrawn, and hence Exhibit 23 can be filed in the public record.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 17th day of July, 2008, at San Francisco, California.

By: /s/ Rita E. Tautkus  
Rita E. Tautkus